

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 31 and 34-43 are now pending, with Claim 31 being the sole independent claim.

Claims 1-30, 32-33 and 44-66 have been canceled without prejudice to or disclaimer of the subject matter recited therein.

Claim 31 and 34-36 have been amended. No new matter has been added.

Applicants have amended the title of the abstract on page 33 to correspond to the title of the specification on page 1, line 2. No new matter has been added.

Turning now to the Office Action mailed November 18, 2004:

Regarding the Section 112, first paragraph enablement rejection of Claims 31-34, Applicants request withdrawal of this rejection in view of the following:

Applicants have amended Claim 31 to recite at least 90% sequence identity as suggested in the Office Action. Moreover, each of Claims 31 and 34-43 now recites a nucleotide sequence encoding a polypeptide having lysyl-tRNA synthetase activity, wherein the polypeptide has an amino acid sequence of at least 90% sequence identity, based on the Clustal alignment method, when compared to SEQ ID NO:10.

It was also suggested in the Office Action to amend Claim 31 to recite a “class II” lysyl-tRNA synthetase. Applicants believe that the designation of a lysyl-tRNA synthetase as “class I” or “class II” refers to the mechanism by which a tRNA is charged with an amino acid, but that the ultimate result of the aminacylation reactions catalyzed by class I and class II tRNA synthetases is identical. See pages 912-913 in *Principles in Biochemistry with an Extended Discussion of Oxygen-Binding Proteins*, by Albert L. Lehninger, David L. Nelson and Michael M. Cox (Second Edition), cited in a Supplemental IDS filed simultaneously herewith).

However, as now pending, Claims 31 and 34-43 do not recite lysyl-tRNA synthetase, let alone a particular mechanism for lysyl-tRNA synthetase activity, but rather, a nucleotide sequence encoding a polypeptide having lysyl-tRNA synthetase activity. Applicants submit that one of ordinary skill would understand how to make and use a polypeptide having both an amino acid sequence of at least 90% sequence identity compared to SEQ ID NO:10 and lysyl-tRNA synthetase activity, for the reasons stated in the Office Action and in Applicants’ previous responses of record, irrespective of whether the polypeptide may be classified as class I or class II or its particular mechanism.

In view of the foregoing, Applicants respectfully request withdrawal of the Section 112, first paragraph enablement rejection of Claims 31-34.

Regarding the objection to Claims 35-43 for being dependent upon a rejected claim, Applicants kindly request withdrawal of this objection in view of the above remarks.

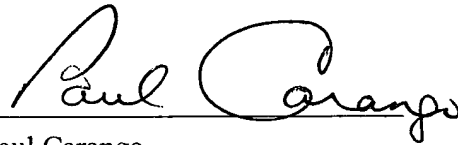
Application No.: 09/864,464
Docket No.: BB1193 USDIV

Applicants believe that the foregoing is responsive to each of the points recited in the Office Action, and submit that the present application is in allowable form. Favorable consideration and passage to issue are solicited.

Please charge any fees or credit any overpayment of fees which are required in connection herewith to Deposit Account No. 50-2719.

Applicants' undersigned may be reached at the below-listed numbers.

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul Carango", written over a horizontal line.

Paul Carango

Reg. No. 42,386

PC:rb
(215) 656-3320